

# SENATE BILL 398

A2  
SB 1087/17 – EHE

8lr1847  
CF 8lr3148

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By: **Senators Conway, Oaks, and Robinson**  
Introduced and read first time: January 25, 2018  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Protest of License Renewal**

3 FOR the purpose of authorizing the Baltimore City Board of License Commissioners to  
4 require a certain mediation when a protest against renewing an alcoholic beverages  
5 license is filed a certain number of days before the license expires; authorizing the  
6 withdrawal or dismissal of a protest and the Board’s approval or denial of a license  
7 renewal without a certain hearing if a required mediation results in a certain  
8 agreement; requiring the Board to hold a certain hearing if a required mediation  
9 does not result in a certain agreement; requiring the Board to select a mediator who  
10 meets certain criteria, under certain circumstances; and generally relating to  
11 renewals of alcoholic beverages licenses in Baltimore City.

12 BY repealing and reenacting, without amendments,  
13 Article – Alcoholic Beverages  
14 Section 4–406, 12–102, and 12–1801(c)(2)  
15 Annotated Code of Maryland  
16 (2016 Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Alcoholic Beverages  
19 Section 12–1805  
20 Annotated Code of Maryland  
21 (2016 Volume and 2017 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Alcoholic Beverages**

25 4–406.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (a) A protest against a license renewal may be made by:

2 (1) at least 10 signatories who are:

3 (i) residents, commercial tenants who are not holders of or  
4 applicants for a license, or real estate owners; and

5 (ii) located in the immediate vicinity of the licensed premises; or

6 (2) the local licensing board on its own initiative.

7 (b) (1) If a protest against renewing a license is filed at least 30 days before  
8 the license expires, the local licensing board may not approve the renewal without holding  
9 a hearing.

10 (2) The local licensing board shall hear and determine the protest in the  
11 same manner as it hears and determines an original application.

12 12-102.

13 This title applies only in Baltimore City.

14 12-1801.

15 (c) The following sections of Title 4, Subtitle 4 (“Renewal of local licenses”) of  
16 Division I of this article apply in the City:

17 (2) § 4-406 (“Protests”), subject to § 12-1805 of this subtitle.

18 12-1805.

19 (A) To hear and determine a protest filed against a license renewal, the Board:

20 (1) shall consider only issues with respect to a specific complaint as to the  
21 operation of the licensed premises; and

22 (2) may not consider zoning issues.

23 (B) (1) **WHEN A PROTEST AGAINST RENEWING A LICENSE IS FILED AT**  
24 **LEAST 30 DAYS BEFORE THE LICENSE EXPIRES, THE BOARD MAY REQUIRE THE**  
25 **LICENSE HOLDER AND THE PROTESTANTS TO PARTICIPATE IN MEDIATION:**

26 (I) **BEFORE THE HEARING ON THE PROTEST; AND**

27 (II) **WITH A MEDIATOR SELECTED BY THE BOARD OR THE**  
28 **PARTICIPANTS.**

1           **(2) IF THE BOARD SELECTS THE MEDIATOR, THE BOARD SHALL**  
2 **SELECT A MEDIATOR THAT WILL CONDUCT MEDIATION WITHOUT REQUIRING**  
3 **PAYMENT FROM THE BOARD OR THE PARTICIPANTS.**

4           **(3) IF A REQUIRED MEDIATION RESULTS IN AN AGREEMENT AMONG**  
5 **THE LICENSE HOLDER AND ALL PROTESTANTS:**

6                   **(I) THE PROTEST MAY BE WITHDRAWN OR DISMISSED; AND**

7                   **(II) THE BOARD MAY APPROVE OR DENY THE LICENSE RENEWAL**  
8 **WITHOUT A HEARING.**

9           **(3) IF A REQUIRED MEDIATION DOES NOT RESULT IN AN AGREEMENT**  
10 **AMONG THE LICENSE HOLDER AND ALL PROTESTANTS, THE BOARD SHALL HOLD**  
11 **THE HEARING ON THE PROTEST.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2018.